

Nicole Retana

From: Bill Hockey <bhockey4@gmail.com>
Sent: Monday, July 11, 2016 8:50 AM
To: Robert Fitzroy
Cc: Shase Hockey; jamie_kirk-consulting.net; Nicole Retana; Matt Janssen
Subject: Re: DRC2015-00075 Birkler
Attachments: Birkley MUP Opposition Ltr.71116.pdf; ATT00001.htm

Mr. Fitzroy,

Attached please see our letter in opposition to the Birkler's current MUP application. We would like this be part of the permanent record. Our invitation to see the site is open to you per my note to Mr. Janssen below. We are available either Wednesday or Thursday morning or afternoon at your convenience should you have an opportunity to stop by for a site visit. Please let us know if this is possible.

Thank you for your consideration and reviewing our letter.

Regards,

Bill Hockey
bhockey4@gmail.com

On Jul 11, 2016, at 7:48 AM, Matt Janssen <mjanssen@co.slo.ca.us> wrote:

Bill:

While I am listed as the Hearing Officer for this Friday, Rob Fitzroy is the actual Officer for that hearing - sorry for the confusion. I have copied Rob and the hearing secretary to make sure your message is passed along.

Thanks,
Matt

From: Bill Hockey <bhockey4@gmail.com>

Sent: Friday, July 8, 2016 3:26:38 PM

To: Matt Janssen

Cc: Shase Hockey; jamie_kirk-consulting.net

Subject: DRC2015-00075 Birkler

Hi Matt,

Hope all is well with you & Vickie. I am writing in advance of a Planning Hearing set for Friday July 15th at 9 a.m. regarding DRC2015-00075 Birkler proposed MUP for a barn/workshop conversion to a guest house. We will be at the hearing.

On Monday (11th) I will be sending you a letter, via email, on our reasons for requesting a denial of this MUP. Understanding you live in the North County, I would like to request of you a site visit of our property to see the building that is the subject of the MUP. In meeting with Brandi last week, she suggest I contact you and make the site visit request. She felt after hours works best for you so I am requesting Wednesday the 13th or Thursday the 14th for the site visit. Is this possible? Whatever time works for you will be fine with us. If early a.m. is preferred, that is fine on both days just mentioned. I look forward to hearing from you. Thank you.

Best regards,

Bill Hockey
bhockey4@gmail.com

July 11, 2016

Rob Fitzroy
Department of Planning & Building
976 Osos St., Rm 300
San Luis Obispo, CA 93408

RE: DRC2015-00075 *Birkler – Proposed minor use permit to convert an existing detached garage/ workshop to a guesthouse/home office. Site Location 1191 Deerfield Rd., Templeton. APN: 039-401-041*

Dear Mr. Fitzroy:

We are writing to oppose approval of the MUP & conversion of a two-story barn/workshop to a new guesthouse & home office. Our property is directly adjacent to the Birkler's. The two-story barn/workshop sits on a plateau high on a cliff, approximately 500ft above the valley floor and looking directly over our home. First some background:

The 2003 San Simeon earthquake severely damaged a large home on the site of the current barn in question. The ground was so unstable the owner was forced to demolish the residence in 2005. There was a guest house and a large Dunn barn on the same parcel, neither of which were destroyed.

We understand the current or previous owners partially converted the existing two-story Dunn barn (original *PMT #93111 – 4/1994*) near the guest house (now the primary residence), to a secondary dwelling without permits. We understand that this barn has now been permitted as a full secondary dwelling however only after being caught with unpermitted construction and other code enforcement issues. So there are currently two residences on the property, large animal shelter and a two-story barn/workshop that is currently of issue.

With *PMT2010-1755* the subject structure was built as a two-story barn/workshop with only minor electrical. After final inspection the owner immediately built a bathroom with a sink, toilet & shower, installed a complete new septic system, added electrical, a wood burning stove, exterior lighting, replaced a window with large sliding glass doors and added a full width second story deck, ***all without any permits***. The County caught up with them in 2012 (*COD2012-00284 – Barn to Residential without a permit*) & they were required to remove the shower, wood

stove and get a permit for the septic, toilet, sink, deck and upgraded electrical (PMT2012-01747). It is now called an office/workshop.

After the County finalized the code enforcement issues the applicant, for the second time, re-installed the shower and the wood burning stove and continued to use it as a guest house/office. Once again the County code enforcement unit came to the site (COD2013-00087 – *Construction without a permit shower & fireplace reinstalled*) and cited them for another code infraction. They were told to put concrete in the shower drains to permanently eliminate them from doing this again, which the applicant agreed. However we now understand they were given an over the counter permit to add the shower back! Evidently concrete was not put in the drains as required with the last code enforcement.

They are now attempting to use the MUP process to make a two story barn/workshop into a guest house without having to go through all the normal site restrictions, set-backs, environmental, soil, engineering, design criteria, etc. that would have normally been required. It appears the plan from the start was to build a guest house...just not within the rules.

Please consider the following:

1. This project would likely never have been approved as a guest house at this location due to:
 - a. Previously known unstable ground (earthquake fault) and the need for a full soils/engineers report, engineered foundation & structural plans suitable for human occupancy, fire dept. approval, fire road, landscape plan, sprinklers, environmental study, inspections at each stage of construction and more.
 - b. The structure is $\approx 30'$ from a cliff's edge – and the cliff has an $\approx 80\%$ down slope and can be seen from 46W & Vineyard Dr.
 - c. According to the drawings it appears the structure may be in excess of 800+ feet from the primary dwelling and code states it is to be within 50' feet (*Article 4 E. – Standards for Specific Land Uses*). There are no specific site conditions present that would have prevented a guest house from being built to proper county standards within $\approx 50'$ of the primary residence. Their flat to gently sloping plateau is approx. 15 acres, per their application.
2. On August 12, 2014 we received a letter from Schani Siong that this very same project was recommended to be denied - quote "*because we could not make the required finding that there is no appropriate area closer to the main house, suitable for a guest house*" unquote. What has changed?
3. Owner stated (personally to me) that once the "barn/workshop" was built they would embark on planting trees & shrubs to fully screen the structure. This has not

been done since completion 6 + years ago, and there is no indication on the application that any is proposed. It was only painted a darker color after receiving complaints on the initial light, highly visible, color.

4. As to the actual *Land Use Application*, in addition to excluding required check off items, is factually inaccurate as follows:

a. Under *Physical Site Characteristic Information page 7 of 16*, No mention this site is located within $\approx 30'$ of an $\approx 80\%$ down slope area. They indicate there are “no springs, streams or lakes on or near the site”. If this home were to fall off the cliff it could end near or into the blue line creek below.

b. Special Project Information, *page 10 of 16 Item 4 - Deed Restrictions*- in the original application (DRC 2013-00087) the applicant indicated “No”. This new application left it blank. In fact the property is in an association with CC&R's that restricts the number of residential structures. Although this is not an issue the County enforces... the CC&R's of the association, for which this property is subject, only allows one home and one guest house/secondary dwelling per parcel. They now have two complete residences and now requests a guest house.

c. The site is not only visible from Hwy. 46W as indicated on the application, but also from Vineyard drive near the Vineyard Elementary School, several miles away.

5. Considering the code enforcement history of the applicants...what makes anyone think that the additional 600 sq. ft. first floor storage space will not, after the fact, be turned into living space...and creating a 1,200 home or two separate units?

6. Three homeowners indicated they “support” this project however none can see this structure from their actual homes and one infers his viewpoint represents the Homeowners Association, which it does not. If it is acceptable to approve an illegal conversion simply because several neighbors support it, then what is the value in having any building standards at all? In effect, if approved, anyone can build a barn or convert an existing one that are built to barn standards, then simply convert it into a residence. Again why have rules & standards?

Given this applicants code enforcement history, lack of sight restrictions and exceptions that can not be mitigated, we request that you **deny** this project and exception variance of 50' and support the existing shower and wood burning stove be **permanently** removed (as has been required twice previously by the County), including the stove pipe protruding through the roof. Further we request mature tree's and complete landscape screening be added to the two-story barn/workshop.

Finally if the applicant so needs another residence, they can physically move the structure from it current location and placing it within the 50' distance from the

main residence and restoring the current site to its original condition...otherwise we request it be denied at its current location for the reasons previously stated.

Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill & Shase Hockey", with a long, sweeping horizontal stroke extending to the right.

Bill & Shase Hockey
1175 Deerfield Rd.
Templeton, CA 93465

Cc: Jamie Kirk, Kirk Consulting